

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

**HENRY BURRUSS.**

**Plaintiff,**

**V.**

**MATT THORNBURY, *et al.*,**

## Defendants.

) ) ) ) ) ) ) )

**Civil Action No. CV 05-S-2588-NE**

## MEMORANDUM OF OPINION

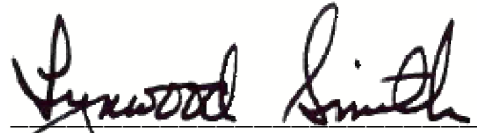
The magistrate judge filed a report and recommendation on March 23, 2006, recommending that this action be dismissed for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). The magistrate judge also recommended that the plaintiff's state law tort claims be dismissed, without prejudice, pursuant to 28 U.S.C. § 1367(c)(3). No specific objections, directed towards the report and recommendation, have been filed.<sup>1</sup>

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the

<sup>1</sup> On April 24, 2006, the plaintiff filed an objection to the April 12, 2006, order which granted, in part, his request for an extension of time to object to the report and recommendation. He states in that objection that the fifteen (15) day extension granted on April 12 is “useless” unless he is also granted the injunctive relief sought in his April 5, 2005, motion. (Doc. #11). However, that motion, which sought an order requiring the Alabama Department of Corrections and/or L.S.C. Corrections Services to provide access to an “adequate” law library, was denied by order dated April 17, 2006.

report is due to be, and it hereby is, ADOPTED and the magistrate judge's recommendation is ACCEPTED. Accordingly, this action is due to be dismissed for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). The plaintiff's state law tort claims are due to be dismissed, without prejudice, pursuant to 28 U.S.C. § 1367(c)(3). A Final Judgment will be entered.

DONE this 19th day of May, 2006.

  
United States District Judge